



Why We Get Arrested

I have an arrest record for civil disobedience that spans 23 years and covers seven states, the District of Columbia, and one foreign country. However, I never go to a demonstration to get arrested; I go to demonstrations to bring about change, and am willing to risk arrest to produce that desired change.

Any group that wishes to use civil disobedience or direct action to achieve change must:

- 1) make absolutely clear what change is desired, usually by listing specific demands;
- 2) target a group or individual with the power to bring about the desired change;
- 3) design actions so that the cost of resisting change is perceived by the person/group in power to be greater than the cost of giving in.

The classic type of civil disobedience advocated by Gandhi and Martin Luther King, Jr., is one in which an unjust law is deliberately and openly violated. Most of the demands of AIDS activists do not lend themselves to the classic Gandhi/King style of civil disobedience. Nevertheless, the same basic principles apply: Make it more costly for those in power to resist than to give in.

This is done in one of two ways:

- 1) create problems for those in power that will not go away until they give in (for example, occupy their offices or zap their phone lines), and/or

2) educate the public in ways that both cause embarrassment to those in power and cause them to be fearful that the popular movement for change may grow strong enough to threaten their power (for example, interrupt news broadcasts or hang banners).

We should be thinking and talking about what we do much more carefully. For example, when we sat down and blockaded the entrance to the New York State Senate last year in Albany, we were very clear about what we were doing. We did not say we were there to get arrested. We said we had a set of demands and that if Ralph Marino (the Senate Majority Leader) and Governor Cuomo would agree to our demands, we would go home because we were there to pursue a specific set of demands, those demands were picked up and publicized by the media covering the arrests. That helped to educate people, embarrassed Cuomo and Marino, and contributed to the building of our movement and the achievement of change. Other ACT UP members who were in Albany that same day apparently told a local newspaper reporter that they were "going to get arrested." That reporter then wrote a column that described people who were intent on getting arrested, as if getting arrested were an end in itself. There was no mention in this column of the specific issues that drove people to commit civil disobedience.

If these individuals had 'instead told the reporter that they were willing to risk arrest in order to bring about X, Y and Z, the action might have been more powerful. My point is simply this: When we engage in civil disobedience, we do so to achieve change, not to get arrested. Getting arrested is of little significance in and of itself. We're not out to accumulate arrests like merit badges. Arrests result from our commitment to achieve change; they are the means to an end, not the end in themselves.

Aldyn Mckean (d. 1994)

Grand Central seemed to me a good point to reflect on this. It seems to me that the police know our tactics well, and if they wait long enough, we'll just leave the scene. Which we did. And only to go block off a useless intersection in the cold. I was told we avoided Times Square (a much more logical intersection to mess up, in my mind) because some cops stopped the crowd. Don't people have freedom of passage in this city anymore? Can they identify and selectively prevent certain people from moving where they want to? Why is the situation with the police so symbiotic these days? I feel we're a little too predictable. The arrests were a useless anticlimax to a powerful demo at Grand Central. We need to be more persevering if we want to accomplish a goal with arrests, and not, as it seemed to me, provide an opportunity for newer, younger activists who seem to need to be arrested as initiation rite. We waste everyone's time in that case.

Howie Pope

During my first C.D. (civil disobedience) training with ACT UP, one of the questions each person was asked to answer was "Why do you want to get arrested?" My reply was 'I don't want to get arrested. I want to make my point and I'm willing to get arrested if that is necessary in order to accomplish my goals. Frankly, I'd rather make my point and not get arrested. "I still have the same positions for a lot of reasons.

First, there are people in jail who never wanted to be there and I feel, myself, that voluntarily going to jail often seems cavalier.

Second, I think different actions can accomplish their goals without arrest being the final end point. In Albany, we managed to get onto the floor of the Senate chamber, deliver our message, and walk out without arrest. I didn't participate in the Day of Desperation but I was someone who watched coverage on T.V. as it happened. The point

was gotten without the arrests and, in fact, since I didn't watch the 11 o'clock news, I didn't even know people got arrested on the street. A much smaller number of people did the actions the evening before and during the day and, although some did get arrested, their numbers were small and were not, in my view. the most important part of those actions.

Third, I think the goal of getting arrested puts the cops in control in many situations. The F.D.A. action was a case in point where the cops set the terms of arrest (sitting down in front of the building) and people spent the entire day trying to do something to "get arrested. "Many didn't and sometimes people were pushed into doing things they might not have done otherwise (i.e. breaking windows). I'm not against property? damage but I want to be in control of what I decide to do and not to do it out of frustration.

Fourth, often if arrests don't happen, people think the action didn't "succeed."

Finally, some people can't get arrested because of previous records, health, residence status, and so on and when getting arrested becomes the goal we can end up creating two "classes" of people, one that has more status than another. So, I'm neither for nor against "getting arrested" in those terms but think of it as the possible outcome of something I do that I should be prepared for and I think we could be more creative and sparing about its use as a goal and as a tactic.

Maxine Wolfe

I remember, in particular, the "negotiated" arrests of about twelve Oberlin students at NIH. They had no real act of CD planned, no particular scientist to target, and no clear cut message to impart. They did, however, very much want to be arrested. One of the ACT UP lawyers cut a deal with the NIH security chief. These students were to

walk through an opening in the fence and, in turn, they would be gently arrested. At the last minute, and at the suggestion of the lawyer, they decided to chant, "We'll never be silent again" as they were led away. The fence had been broken at that spot by the Hershey's kisses, who were after Dr. Hershey at NIH, and the kisses were beaten with billy clubs when they made their break, an event that was widely shown on TV.

I also remember the relative pointlessness of my first arrest at the end of the Day of Desperation. I stayed with the group seated in the intersection of 42nd Street and Lexington Avenue, which was never given the option to discuss whether we were a march that had simply been stopped by the police or a group engaging in civil disobedience, out of pure solidarity, one of the stated goals of the Affinity 500.

I have to say that the whole experience was at turns thrilling, beautiful, informative (my arresting officer was a narcotics officer on overtime and was in favor of needle exchange because it made his job safer) and revealing. Before my arrest, I had read, in "AIDS Demo Graphics", about the Power Tools, who got past security at Burroughs Wellcome, literally sealed themselves in an office using steel plates and bolts, and proceeded to call the media to demand lowering of the price for AZT and I thought, "I could never do that." Now, I think could.

The \$64,000. Question for me "How many activists, first arrested at "meaningless" mass CDs, then feel empowered to go on to do the next thing, to take on a real AIDS criminal and risk arrest in the process?

Steven Keith

From movements before ours, we know that numbers of arrests get attention. They are a way to point an arrow at an issue, in the media and in the political arena. To my way of thinking, there are different types of arrests. The

two I am most familiar with are the mass demo arrests, like the "1987 March for Lesbian and Gay Rights" in Washington, and like "Day of Desperation", where a large number of people take arrests to communicate the idea that they are dissatisfied with the way things are- what's happening/not happening. Primarily a symbolic act. The other kind of arrest I have experienced is more concrete. For example, taking over an office. By storming in, applying pressure to a pinpointed person to make our demands known, and force him/her to do his/her job, change something, or whatever is needed. This is usually more focused, smaller-scale action by an affinity group or ad hoc group who discuss and plan the scenario. That's part of the "why/when. "The "who" is an individual decision. For me, it began as a symbolic act a few years ago and has turned into a necessity both as my "part" to contribute to the quest for social and political change, and as a channel for personal frustration and anger (of course, trying to keep my wits about me). I do encourage C.D.

Karen Ramspacher

The Grand Central action was the greatest demonstration I've ever participated in the past 11 years. Getting arrested was not only an extremely important part of the action, but without the risk of getting arrested we never could have done what we did. To shut down Grand Central required a very strong chance of getting arrested because every action we did was illegal--covering the schedule board, blanketing the information & ticketing booths; releasing the balloons, taping the gateways closed and lying down on the main floor. We could not have done anything if this was a simple orderly mass march.

Secondly, did we make our point at Grand Central before we got arrested? Yes, we certainly did. And did we need to stop the tremendous energy and momentum we all felt because the NYC Police Department decided that the best thing to do to us was to leave us alone and let us shrink

and go away? No, we certainly did not. We needed to continue the amazing energy and action we had all created, and after a vote on the floor of Grand Central we did the right thing by continuing to disrupt business as usual. We stopped traffic for hours in all directions, screwed up the entire police apparatus for a whole evening, and let the entire nation know that 263 people committed civil disobedience & broke a law in the name of truth and justice. Breaking a law ups the ante, clogs the courts & tells the world that ACT UP is serious, committed & will not be silenced. I was proud to be arrested during the week of Martin Luther Kings birthday & will continue to break the laws of this fuckin' system until it radically changes.

One final point is that for at least the past 2 years NYC cops have tried to avoid arresting people at actions around all political issues. They are doing this because civil disobedience has gotten more publicity, has screwed up the already screwed up court & arrest system & is making a difference. If the establishment doesn't want to arrest us, we should be arrested. There have been over 2,000 people arrested in San Francisco since the US started bombing civilians in Iraq and this is fantastic and effective. If getting arrested wasn't effective, the establishment would not be looking to avoid arrests. So let's just do it!

Bruce K

"Civil disobedience in its classic mode... is about breaking a law in such a way that any onlooker would be faced to question the morality of the law." So writes Don Shewey in a recent TITA. I must say, first, that I agree-- arrest qua arrest is just a bother. I must also state that Day of Desperation was my first arrest'. Bear in mind that my following points are informed and directed by this fact.

1) We took Grand Central Station rather easily. I think part of the backlash to the 42nd St. arrests on DoD is a reaction to this. Can we really just occupy NYC's commuter center without incident? Are we really that powerful (visa vis the public, the media, the authorities)? More important, does our occupation of GCS represent anything other than our reaction to most people's inaction in the face of AIDS? If so, haven't we a right-- or a moral obligation -- to be angry? That is, to take our anger to Pitt Street, or One Police Plaza, or wherever we chose.

2) Jamie Meyer stressed the personal statement CD makes and represents. I must say I agree with Jamie as well. I know why I was arrested. For my friends and acquaintances who are at risk for HIV and do nothing because something has not yet "clicked" inside. For the group of us known as ACT UP, willing to put our bodies on the line, on any line, to make ourselves heard, to stay together (to stay alive together). For the group known as ACT UP, willing to put our bodies on the line, on any line, to make ourselves heard, to stay together (to stay alive together). For the scary truth that it is easier for me to go into a holding cell with my friends for a few hours than to go get another HIV antibody test. For publicity.

3) Let's not fret too much over this particular CD but, rather, now that we know more than ever our abilities, use our CD and experience to more effective ends. Anyway, what would an ACT UP action and multiple arrest CD--our largest ever--be without contradictions in intent and outcome? We go as many; we go as one.

Scott Wilson

I think that the question of the effectiveness of getting arrested is but part of a bigger question: How do we deliver our Message? Another part of this question is seen in the discussion of the validity the: practice of newspaper (and radio) advertisements. Both practices seem part of

the de rigeur of any ACT UP action, and I think that this needs to be questioned. While I think that getting arrested is admirable, I am not convinced that it necessary for an action to be successful. I think that for the "Day of Desperation" part of the strategy was to have a unified show of force and a willingness for a large number of people to risk arrest, and actually get arrested, to convey the message that the AIDS crisis is not over, and that the arrests did add to the action. However, I think that the essential component to this was that the arrests were integrated into the action and had a specific purpose. This is essential, and any action that fails to present a clear rationale for arrests should not have any.

The Dan Rather Raid and several other events have show the effectiveness of actions that risk arrest to convey a message, a message that is not delivered by blocking a street (or placing a newspaper advertisements). I think that ACT UP should marshal it's creativity and redouble our efforts to deliver our message without utilizing arrests (or newspaper advertisements, something that ACT UP should also address) as the method to deliver our message. However, I do not believe in rejecting any avenue to deliver our message. so I do not think that we should reject the notion of arrests entirely.

ACT UP! FIGHT BACK! FIGHT AIDS!

Patrick Brown

Arrests can be very effective at the margins of an action. Unfortunately, far too many newspapers like the Post will only report the arrests and nothing else. As someone who goes to lots of actions and who for personal reasons scrupulously avoids arrest, I find that situation occasionally disconcerting. Saint Patrick's was the classic example: one person dropping a wafer managed to shift attention away from the biggest demo ever held in front of the Cathedral.

Also, there is the question of "bang for the buck." If you factor in all the costs including fines, bail, and legal fees (even when donated), arrests become a very expensive form of First Amendment exercise. Shouldn't the floor have some say about the level of support it is willing to lend an affinity group before it is cornered into a messy, last-minute negotiation over lawyers fees? As happened with the Souter demonstration in DC.? Also I bristled at the thought of all that O/T going to a lot of jaded cops who live in Nyack and will never put that money back into the city that puts bread on their table.

One thing that needs to be made clear is the status that civil disobedience has for us as an arena of resistance: a large part of our motives in getting arrested is surely knowing the impact it makes. Because, although bitter, people are not so hardened or impenetrable, as surfaces may seem. We are arrested knowing at least some witness, for a moment their routine business disrupted, has been moved enormously by our seizure. And it's how common ground is paved. We experience the very actions that provoke police interventions as liberating because our understanding as political AIDS activists is of Law and Order, and social policy generally, as patently, murderously oppressive. So, while the vans and the riot gear affirm our threat, our sharing in this freedom fastens us even closer, closer in becoming a community of resistance. When you look and see so much around that is wrong, and that tears your life away, what are you supposed to do? We've got to get over before we go under because it's taking more than time.

Ioannis Mookas